

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOUGLAS JACKSON,

Petitioner,

Case No. 2:15-CV-11622

v. /
UNITED STATES DISTRICT JUDGE
GERSHWIN A. DRAIN

LES PARISH,

Respondent.

OPINION AND ORDER GRANTING THE MOTION TO VACATE (ECF No. 143) AND DIRECTING THE CLERK OF THE COURT TO MAIL A COPY OF THE OPINION AND ORDER DENYING THE MOTION FOR RECONSIDERATION, THE MOTION TO LIFT THE STAY, AND THE MOTION TO AMEND/CORRECT THE PETITION (ECF No. 131) AND A COPY OF THIS ORDER TO PETITIONER

On September 22, 2022, this Court denied petitioner's motion for reconsideration of his motion to lift the stay, and his motion to amend or correct the petition. (ECF No. 131). Petitioner has now filed a motion to vacate the opinion, in which he claims he never received a copy of the Court's order and only learned about it after the United States Court of Appeals for the Sixth Circuit denied his petition for mandamus. Petitioner asks that the opinion be vacated and reissued so that he can file a timely motion for reconsideration. For the reasons that follow, the motion to vacate is GRANTED.

Fed. R. Civ. P. 60(b) allows a court to reissue an opinion and order where a party to the litigation did not receive timely notice of the judgment or order. *See e.g.* *Williams v. Arn*, 654 F. Supp. 241, 246 (N.D. Ohio 1987). Petitioner claims he never received a copy of this Court's order. The opinion and order of September 22, 2022 denying the motion for reconsideration, the motion to lift the stay, and the motion to amend or correct the petition is vacated; the Court reinstates the opinion entered on that date *nunc pro tunc* as of the date of this order. *See Id.*, at 248.

The Clerk of the Court is directed to mail a copy of the Opinion and Order Denying the Motion For Reconsideration, the Motion to Lift the Stay, and the Motion to Amend/Correct the Petition (ECF No. 131) and a copy of this order by first-class mail to Petitioner.

IT IS HEREBY ORDERED That:

- (1) The motion to vacate (ECF No. 131) is **GRANTED**. The Opinion and Order Denying the Motion for Reconsideration, the Motion to Lift the Stay, and the Motion to Amend/Correct the Petition dated September 22, 2022 is vacated and is reinstated *nunc pro tunc* as of the date of this order.
- (2) The Clerk of the Court shall mail a copy of the Opinion and Order Denying the Motion for Reconsideration, the Motion to Lift the Stay, and the Motion to Amend/Correct the Petition (ECF No. 131) and a copy of this order to Petitioner via first-class mail.

SO ORDERED.

Dated: November 2, 2023

/s/Gershwin A. Drain
GERSHWIN A. DRAIN
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on November 2, 2023, by electronic and/or ordinary mail.

/s/ Teresa McGovern
Case Manager